

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MELANIE A. BARNES,

Plaintiff,

v.

VILLAGE OF WATKINS GLEN, NEW YORK,  
et al.,

Defendants.

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DECISION & ORDER

06-CV-6192CJS

Pending before this Court is plaintiff's motion requesting an order compelling the unsealing and production of the file maintained by the Schuyler County District Attorney relating to defendant Robert H. Lee's plea to two charges of harassment. (Docket # 26). Neither defendant opposes the motion, although defendant Lee requests that a confidentiality order be entered ensuring that the records are disclosed and used only for purposes of this litigation. (Docket # 28).

The file sought by plaintiff was the subject of a subpoena issued to the Schuyler County District Attorney. Although the District Attorney declined to produce the records, which are sealed under N.Y. C.P.L. § 160.55, the District Attorney did not move to quash the subpoena. Nor did he seek to be heard in connection with this motion, although he was served with a copy of it.

Accordingly, in view of the lack of opposition to the requested relief, and this Court's authority to Order such relief, *see, e.g., Woodard v. City of New York*, 2000 WL 516890 (E.D.N.Y. 2000), plaintiff's motion (**Docket # 26**) is hereby **GRANTED** provided that prior to

the disclosure of the file, the parties agree to a confidentiality stipulation restricting the disclosure and use of the documents solely for the purpose of this litigation. Plaintiff's counsel shall submit such stipulation and proposed order to this Court by January 30, 2009.

**IT IS SO ORDERED.**

*s/Marian W. Payson*

MARIAN W. PAYSON  
United States Magistrate Judge

Dated: Rochester, New York  
January 21, 2009